

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSÉ CABRERAS-CAÑUELAS (1),
JEAN CARLOS BENITEZ-MELENDEZ
(2),

Defendants.

CRIMINAL NO. 15-665 (PAD)

MEMORANDUM AND ORDER

Delgado-Hernández, District Judge.

Before the court is a Magistrate Judge's Report and Recommendation ("R&R") regarding defendants' motion to suppress (Docket No. 54), as well as defendant's Jean Carlos Benitez-Melendez (2) objections to the same (Docket No. 63). For the reasons explained below, the R&R is ADOPTED in its entirety, and the motion to suppress (Docket No. 24) is DENIED.

I. INTRODUCTION

Defendants were charged with being prohibited persons in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), amongst other charges (Docket No. 10). Defendant Cabrerás-Cañuelas moved to suppress (Docket No. 24), and defendant Benitez-Melendez joined (Docket No. 25). The government opposed (Docket No. 30). The matter was referred to U.S. Magistrate Judge Bruce J. McGiverin for an R&R (Docket No. 27).

After holding a hearing, the Magistrate Judge issued an R&R recommending that defendants' request to suppress be denied. Defendant Cabreras-Cañuelas did not object to the R&R, but defendant Benitez-Melendez did. The government opposed defendant's objections (Docket Nos. 63 and 67, respectively).

II. STANDARD OF REVIEW

The court may refer motions to a United States Magistrate Judge for an R&R under 28 U.S.C. § 636(b)(1)(B). An adversely affected party may contest the R&R by filing objections within fourteen days of being served with a copy. Fed. R. Civ. P. 72(b). The court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objections are made. 28 U.S.C. § 636(b)(1). It is free to accept, reject, or modify, in whole or in part, the Magistrate Judge's findings or recommendations. Id.

III. DISCUSSION

In his objections to the R&R, defendant Benitez-Melendez mainly challenges the Magistrate Judge's conclusion that the arresting law enforcement agents had reasonable suspicion to stop and frisk defendants for weapons and probable cause to arrest them (Docket No. 63). Defendant is not contesting the Magistrate Judge's credibility determinations, but arguing that the factors identified as creating reasonable suspicion were insufficient to meet the applicable standard. As the government points out (Docket No. 67), the Magistrate Judge thoroughly addressed the issue in his R&R, determining that a consideration of the totality of the circumstances compelled the conclusions that the detention and pat-down of Benitez and Cabreras was supported by reasonable suspicion, and their arrest supported by probable cause.

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After examining defendant's objections and conducting a *de novo* review of the Magistrate Judge's findings and legal conclusions, the court determines that both are adequately supported by the record and the law. It is apparent that the Magistrate Judge adequately looked into, and analyzed defendants' arguments in support of the request to suppress. Moreover, in his objections, defendant does not provide sufficient grounds justifying a change in the Magistrate Judge's well supported R&R. Similarly, he has not presented documents, evidence, or legal authorities contradicting the findings he now challenges. With that in mind, the court ADOPTS the R&R in its entirety.

IV. CONCLUSION

For the reasons stated, the court ADOPTS the Magistrate Judge's R&R at Docket No. 54, and DENIES defendant Cabreras-Cañuela's "Motion to Suppress Evidence" at Docket No. 24, which defendant Benitez-Melendez joined.

SO ORDERED.

In San Juan, Puerto Rico, this 26th day of January, 2016.

s/Pedro A. Delgado-Hernández
PEDRO A. DELGADO-HERNÁNDEZ
U.S. DISTRICT JUDGE